

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 8F. This sheet, which includes Fig. 8F, replaces the original sheet including Fig. 8F. In Fig. 8F, the command SCML should be SOML.

The attached sheet of drawings includes changes to Fig. 19A. This sheet, which includes Figs. 19A-20A, replaces the original sheet including Figs. 19A-20A. In Fig. 19A, a typographical error “t_no-filter” has been corrected to “t_no_filter.”

Attachment: Replacement Sheet for Fig. 8F
Annotated Sheet Showing Changes to Fig. 8F
Replacement Sheet for Fig. 19A-20A
Annotated Sheet Showing Changes to Fig. 19A

REMARKS

The Examiner is thanked for the thorough examination of the present application. In response to the Office Action mailed on October 31, 2007, Applicant respectfully requests reconsideration of all rejections in the outstanding Office Action in view of the foregoing amendments and following remarks. Claims 1-20 are currently pending.

I. Amendment to Abstract

The Examiner has objected in section 2 of the Action to the Abstract as containing an uncommonly used acronym. Applicant submits that RCPT is not an acronym or abbreviation but an SMTP command. However, Applicant has amended the abstract to provide a more descriptive explanation of the RCPT command to enable a reader “to determine quickly from a cursory inspection of the nature and the gist of” this disclosure.

II. Amendment to Specification

The Examiner has objected in section 3 of the Action to the specification for the lack of antecedent support for claims 1, 14 and 15. In particular, the Examiner is correct in that “real domain” and “actual domain” are synonymous. In addition, “sender_address” and “from-address” are synonymous. In the context of referring specifically to addresses, “recipient” and “to-address” are synonymous. To maintain uniformity and to clarify the subject matter claimed. The following amendments were made to the claims:

- Claims 1, 7 and 14 have been amended to use “real domain” rather than “actual domain”.
- Claims 1, 6, 7, 8, 12, 14, and 15 have been amended to use “sender_address” rather than “from-address.” *Please note that the added text “sender_address” includes an underscore which may not be evident from the listing of claims.*
- Claims 1, 8, 12-15 have been amended to use “recipient” rather than “to-address.”

The Examiner has also indicated his belief that in paragraph [072] and claim 15, the command SCML should be SOML. Applicant agrees and has amended paragraph [072] and claims 15 accordingly.

In addition, Applicant has amended the description of drawings in paragraph [051] to be consistent with the supporting text in paragraph [069]. No new matter is added.

III. Amendment to the Drawings

In addition, Applicant has amended Fig. 8F to correct the command SCML to SOML in maintaining consistency with the Examiner's objection to the Specification. Additionally, a typographical error in Fig. 19A has been corrected.

IV. Claim Objections

Objections to the claims and specification referred to in section 3 of the Action are explained in §II.

In addition, claims 1 and 15 are further amended to correct the punctuation errors indicated by the Examiner in section 4.

The Examiner has objected to claims 2-13 for failing to have antecedent basis for "blocking communications processor" in section 5. Applicant has amended claims 2-13 to refer to the "rejecting communications processor" claimed in claim 1.

The Examiner has further objected to claim 13 in section 5 for a grammatical error. Applicant has further amended claims 13 to correct the grammatical error.

The Examiner has further objected to claim 11 for lacking antecedent basis for the term "real domain DD_1." Applicant has further correct claim 11 by amending the claim to refer to "real domain DD_0."

Additionally, Applicant has corrected a number of additional typographical errors.

V. Rejections Under 35 U.S.C. §112

The Office Action rejects 1-13 under 35 U.S.C. §112 paragraph 2, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. For at least the reasons set forth below, Applicant respectfully traverses the rejections.

Specifically, the Examiner alleges as claim 1 is indefinite as it is not clear what receives the RCPT command. Applicant has amended claim 1 to indicate what receives the RCPT. Furthermore, the Examiner believes it is unclear as to what rejects the connection with MTA_0. Applicant has further amended claim 1 to indicate what rejects the connection with MTA_0.

Additionally, in claim 15, Applicant has amended claim 15 by adding a whereby clause that ties test conditions of the form “t_” to their respective tests to further clarify what is claimed in claim 15. Support for this can be found in Figures 11-20. In addition, in step (dd) was amended to add “t_to_from” which was omitted in the original claim by support can be found in Figure 8D. No new matter has been added.

VI. Rejections Under 35 U.S.C. §102(e)

The Office Action rejects claims 1-5 and 7, 9, 11 and 14 under 35 U.S.C. §102(a) as allegedly anticipated by *Donaldson* (U.S. Patent No. 7,249,175). For at least the reasons set forth below, Applicant respectfully traverses the rejections.

A. Independent claim 1

Independent claim 1 as amended recites:

1. An unsolicited message rejecting communications processor connected to message transfer agents
MTA_0 with an Internet address of IP_0, sender_address A_0, declared domain of D_0, and real domain of DD_0, and
MTA_1 with an Internet address of IP_1 and recipient A_1
comprising:
 - a) monitoring means for monitoring the communications between MTA_0 and MTA_1;
 - b) determining means for determining if the communications contains an unsolicited message; and
 - c) intercepting means for intercepting a RCPT command from MTA_0 and sending an error reply to MTA_0 if the message is determined to be unsolicited,

whereby MTA_1 controls the interaction between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received by the unsolicited message rejecting communications processor and
whereby the connection with MTA_0 is rejected by the intercepting means before the data portion of the unsolicited message is transmitted.

Applicant respectfully submits that claim 1 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Donaldson* does not disclose, teach, or suggest an unsolicited message rejecting communications processor “whereby MTA_1 controls the interaction between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received by the unsolicited message rejecting communications processor.” The Examiner equates the active filter proxy of *Donaldson* with the claimed unsolicited message rejecting communications processor. However, the Examiner alleges the prior art of Fig. 2 in *Donaldson* in particular step 1015 discloses the highlighted limitation.

However, the application of Fig. 2 is completely out of context. The diagram in Fig. 2 describes communications between MTA_0 and MTA_1 without the benefit of an intervening unsolicited message rejecting communications processor or active filter proxy. Therefore, *Donaldson* fails to disclose, teach, or suggest unsolicited message rejecting communications processor “whereby MTA_1 controls the interaction between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received by the unsolicited message rejecting communications processor.” Quite the contrary, in Fig. 13, 14, 15, 18 and many other subsequent figures, it is clear that the active filter proxy not MTA_1 (local MTA in *Donaldson*) controls the interaction between MTA_0 and MTA_1 before a RCPT command from MTA_0 is received. (*compare* with Fig. 6 and 7 of the Specification)

As *Donaldson* fails to disclose, teach or suggest each limitation of independent claim 1, Applicant submits independent claim 1 is allowable over the art of record and respectfully requests the Examiner withdraw his rejection.

B. Claim 2-5 and 7, 9, and 11

Claim 7 is allowable for at least the reason that *Donaldson* fails to disclose, teach or suggest each limitation. Specifically, Claim 7 includes the additional limitation “further includes a suspect_domain database and wherein the determining means determines if a message is unsolicited by checking if the real domain DD_0 matches the domain of sender_address A_0 and the domain of sender_address A_0 is in the suspect_domain database.” The Examiner equates *Donaldson*’s dialup database 1097 with the suspect_domain database. Applicant disagrees. *Donaldson* characterizes this database as a database “which identifies untrusted hosts that are known not to be dialup clients.” The suspect_domain database has nothing to do with dialup clients. The suspect_domain database is used to limit the domains actually tested to see if the real domain (of the MTA) matches the domain of the sender_address. This database is also used to limit other domain related tests to those in the suspect_domain database. As there are legitimate mail situations where the domain of the sender_address is not required to match the real domain of the MTA, a database is used to store situations where such a test should be applied.

Assuming *arguendo*, the dialup database is equated to the suspect_domain database, *Donaldson* fails to disclose, teach or suggest, “checking if the real domain DD_0 matches the domain of sender_address A_0 and the domain of sender_address A_0 is in the suspect_domain database.” This element should be taken in whole, for if the domain of sender_address A_0 is **not** in the suspect_domain database, the first portion of the checking need not be performed. The Examiner fails to point out where *Donaldson* discloses, suggests or teaches a checking that a real domain matches the domain of a sender address. The Examiner cites a reverse test connection. At step 1418 and 1419, *Donaldson* describes opening a connection to the remote MTA (MTA_0) to verify that it

exists. This is a far cry from checking that a real domain matches the domain of a sender address. Additionally, the Examiner cites *Donaldson* col. 9, lines 19-27 specifically where additional filtering functionalities such as “rejecting non-existent MAIL From domains,” that is rejecting mail where the domain of sender_address A_0 is non-existent. This is clearly different from matching real domain against the domain of sender_address A_0.

Claim 9 is allowable for at least the reason that *Donaldson* fails to disclose, teach or suggest each limitation. Specifically, Claim 9 includes the additional limitation “checking if the recipient A_1 is in the no_filter database.” Applicant has amended claim 9 to include the checking portion of the limitation as supported by paragraph [018] and [085]. However, *Donaldson* fails to disclose, teach or suggest a no_filter database. The Examiner has equated the whitelist disclosed by *Donaldson* as a no_filter database. *Donaldson* discloses “Whitelist DB 1094, which contains individual email addresses that are permitted to bypass further filtering,” referring to sender addresses. However, the no_filter database is a database of *recipients* who do not desire unsolicited message blocking.

Claim 11 is allowable for at least the reason that *Donaldson* fails to disclose, teach or suggest each limitation. Specifically, Claim 11 includes the additional limitation “checking if the declared domain D_0 of MTA_0 does not match the real domain DD_0 and the declared domain D_0 is in the suspect_domain database.” The Examiner defers to the explanation of claim 7. In addition to Applicant’s rebuttal described above, *Donaldson* fails to derive a declared domain, therefore *Donaldson* can not use it as a basis for comparison. Specifically as described in paragraph [059], the declared domain is presented or declared by the MTA through the HELO command. Though *Donaldson* processes the command, the reference fails to derive any information from the command, see step 1012 and 1013 at col. 3, lines 31-41.

Regarding claims 2-5 and 7, 9, and 11, for at least the reason that independent claim 1 is allowable over the cited references of record for reasons given in §VI.A,

dependent claims 2-5 and 7, 9, and 11, (which depend on independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-5 and 7, 9, and 11 contain all the features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002); *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection of claims 2, 3 and 6 should be withdrawn and the claims allowed.

C. Independent Claim 14

Independent claim 14 as amended recites:

14. A method for
- a receiving networked computer system with an Internet connection, a mail transport agent MTA_1, an Internet address IP_1, recipient A_1, and an operating system capable of executing the method
 - to reject unsolicited messages from
 - a transmitting networked computer system with an Internet connection and a message transfer agent MTA_0, an Internet address IP_0, sender_address A_0, declared domain D_0, and real domain DD_0
 - comprising the steps of:
 - a) waiting for a new SMTP connection request;
 - b) relaying and monitoring the replies from MTA_0 to MTA_1;
 - c) relaying replies from MTA_1 to MTA_0;
 - c') allowing MTA_1 to control the interaction between MTA_0 and MTA_1 until a RCPT reply is received from MTA_0;**
 - d) intercepting the RCPT reply from MTA_0 to MTA_1;
 - e) determining if the message is unsolicited by analyzing the monitored replies;
 - f) releasing the intercepted RCPT reply if the message is determined not to be unsolicited;
 - g) sending an error reply to MTA_0 if the message is determined to be unsolicited; and
 - h) rejecting the connection with MTA_0 before the data portion of the unsolicited message is transmitted if the message is determined to be unsolicited.

Applicant respectfully submits that independent claim 14 is allowable for at least the reason that *Donaldson* does not disclose, teach, or suggest “allowing MTA_1 to control the interaction between MTA_0 and MTA_1 until a RCPT reply is received from MTA_0.” Applicant has amended the limitation claimed in the whereby clauses to step (c’) as well as (h). The Examiner alleges that the previous limitation version of step (c’) in the form of a whereby clause is disclosed in *Donaldson* at col. 36, lines 8-10. The interpretation of the citation in *Donaldson* as set forth in the Office Action is incorrect when the citation is taken in complete context. *Donaldson* discloses at col. 35, line 65-col. 36, line 21 (with emphasis added to col. 36, lines 8-10):

“Two additional features of the preferred embodiment of the invention, per-recipient whitelisting and quarantining, can be used by individual users of the network to manage their own incoming email and to retrieve messages that were rejected by Active Filtering. This embodiment uses the same Active Filtering (that is, Active Dialup 1420, Active Relay 1450, and Active User 1900) tests as described with reference to FIGS. 7-23.

“Unlike the system described in FIGS. 7-23, which enforces access decisions during processing of the MAIL *From message, these two additional features require that the proxy defer enforcement of Active Filtering decisions to RCPT time. This is because the proxy does not know the* recipients of an email message at MAIL From time. It is only when the sending MTA 1400 identifies each intended recipient (that is, by sending an RCPT message) that the proxy 1401 can access that recipient's whitelist and determine how to process the message for that recipient. For example, one recipient may have a whitelist entry to receive mail from a particular sender, while another recipient may choose to discard mail from that sender. It should be apparent, however, that per-recipient whitelisting and quarantining can be performed in any suitable manner and at any suitable stage of mail processing.”

First of all, the “defer enforcement of Active Filtering decisions” apply to the implementation of the “two additional features” which are the per-recipient whitelisting and quarantining. Basically, *Donaldson* is stating that decisions on these two features must be deferred until after the RCPT command is received, because until then the proxy does not know who the recipients are as features such as per-recipient whitelisting and quarantining depend on this knowledge. Second, *Donaldson* does not disclose the local MTA (MTA_1) controlling any interaction with the sending MTA (MTA_0) prior to

receiving the RCPT command. In view of Figures 25-28 (*compare* with Fig. 6 and 7 of the Specification), Applicant submits that prior to the RCPT command the active filter proxy is “handl[ing] the SMTP messages on behalf of the local MTA” (see col. 34 lines 21-23), therefore the active filter proxy is not allowing the local MTA to control the interaction between the sending MTA and local MTA.

As *Donaldson* fails to disclose, teach or suggest each limitation of independent claim 14, Applicant submits independent claim 14 is allowable over the art of record and respectfully requests the Examiner withdraw his rejection.

VII. Rejections Under 35 U.S.C. §102(e)

A. Claim 6

The Office Action rejects claim 6 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Donaldson* in view of *Andrews* et al. (US 2003/0204569).

Regarding claim 6, for at least the reason that independent claim 1, is allowable over the cited references of record for reasons given in §VI.A, dependent claim 6 (which depend on independent claim 1) is allowable as a matter of law for at least the reason that dependent claim 6 contains all the features of independent claim 1. Therefore, the rejection of claim 6 should be withdrawn and the claim allowed.

B. Claim 8 and 10

The Office Action rejects claims 8 and 10 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Donaldson* in view of *Wilson* (US 2004/0015554).

Regarding claim 10, Examiner alleges that *Wilson* discloses a determining means that “determines if a message is unsolicited by checking if the declared domain D_0 of MTA_0 is the same as the domain D_1 of MTA_1.” However, he fails to point out where this is disclosed as *Wilson*. The reference cited refers to the “From” addresses and “To” address and not to domains declared or announced by an MTA. For at least this reason, claim 10 is allowable over the cited references.

Regarding claims 8 and 10, for at least the reason that independent claim 1, is allowable over the cited references of record for reasons given in §VI.A, dependent claim 8 and 10 (which depend on independent claim 1) is allowable as a matter of law for at least the reason that dependent claim 8 and 10 contain all the features of independent claim 1. Therefore, the rejection of claim 8 and 10 should be withdrawn and the claims allowed.

C. Claim 12-13

The Office Action rejects claims 12-13 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Donaldson* in view of *Levosky* (US 2002/0087641).

Regarding claims 12 and 13, for at least the reason that independent claim 1, is allowable over the cited references of record for reasons given in §VI.A, dependent claim 12 and 13 (which depend on independent claim 1) is allowable as a matter of law for at least the reason that dependent claim 12 and 13 contain all the features of independent claim 1. Therefore, the rejection of claim 12 and 13 should be withdrawn and the claims allowed.

D. Claim 15

The Office Action rejects claim 15 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Donaldson*, *Andrews*, *Levosky* in view of *Wilson* and in further view of *Postel* in RFC 821, *Simple Transfer Protocol*.

Independent claim 15 as amended recites:

15. A method for
a receiving networked computer system with an Internet connection, a mail transport agent MTA_1, IP address IP_1, a domain name D_1, a recipient, A_1, an allow_address database, a prevent_address database, a suspect_domain database, a bad_from database, a no_filter database, a rejected_connection database, an allowed_connection database, and an operating system capable of executing the method
to reject unsolicited messages from

a transmitting networked computer system with an Internet connection, a message transfer agent MTA_0, an IP address of IP_0, a declared domain name D_0, a real domain name DD_0, and a sender address of A_0

comprising the steps of:

- a) waiting for a SMTP connection request on the receiving networked computer system's Internet connection;
- b) sending a 220 reply to MTA_0 to acknowledge the requested connection;
- c) extracting IP address IP_0 from the connection request;
- d) testing if the DNS database has a domain name DD_0 for IP_0;
- e) testing if IP_0 is in an open relay database;
- f) testing if IP_0 is in the allow_address database;
- g) testing if IP_0 is in the prevent_address database;
- h) requesting a connection with MTA_1;
- i) waiting for a 220 reply from MTA_1 to acknowledge the requested connection;
- j) waiting for a reply from either MTA_0 or MTA_1;
- k) jumping to step n) if the reply is not from MTA_1;
- l) relaying the reply from MTA_1 to MTA_0;
- m) jumping to step j) to wait for a new reply;
- n) jumping to step t) if the reply from MTA_0 is not a **HELO**;
- o) extracting domain D_0 from the reply;*
- p) testing if declared domain D_0 of MTA_0 matches domain D_1 of MTA_1;*
- q) testing if declared domain D_0 does not match real domain DD_0 of MTA_0 AND declared domain D_0 is in the suspect_domain database;*
- r) relaying the HELO reply from MTA_0 to MTA_1;*
- s) jumping to step j) to wait for a new reply;
- t) jumping to step z) if reply from MTA_0 is not a **MAIL**;
- u) extracting sender_address A_0;
- v) testing if A_0 is in the bad_from database;
- w) testing if DD_0 does not match the domain of A_0 and the domain of A_0 is in the suspect_domain database;*
- x) relaying MAIL reply to MTA_1;*
- y) jumping to step j) to wait for a new reply;
- z) jumping to step kk) if reply from MTA_0 is not a **RCPT**;
- aa) extracting recipient A_1;
- bb) testing if A_1 is in no_filter database;*
- cc) testing if A_0 matches A_1;
- dd) jumping to step hh) if NOT(t_allow OR t_no_filter OR NOT (t_prevent OR t_open OR t_DD) OR t_bad_from OR t_suspect_domain OR t_to_from OR t_echo_domain OR t_forged_domain) ;*
- ee) logging time and recipient A_1 in the allowed_connection database;
- ff) relaying RCPT reply to MTA_1;
- gg) jumping to step j) to wait for a new reply;

hh) logging the time, sender_address A_0, recipient A_1, and the reason for rejecting the connection in the rejected_connection database;
ii) rejecting the connection to MTA_0 by sending a 550 reply to MTA_0;
jj) jumping to step j) to wait for a new reply;
kk) jumping to step vv) if reply from MTA_0 is not **DATA**;
ll) relaying DATA reply to MTA_1;
mm) waiting for a 354 reply from MTA_1;
nn) relaying the 354 reply from MTA_1 to MTA_0;
oo) waiting for the data from MTA_0;
pp) relaying the data from MTA_0 to MTA_1;
qq) waiting for a .\r\n from MTA_0;
rr) relaying the .\r\n from MTA_0 to MTA_1;
ss) waiting for a 250 reply from MTA_1;
tt) relaying the 250 reply to MTA_0;
uu) jumping to step j) to wait for a new reply;
vv) jumping to step yy) if reply from MTA_0 is not **RSET, SEND, SOML, SAML, VRFY, NOOP, EXPN, HELP, or TURN**;
ww) relaying reply to MTA_1;
xx) jumping to step j) to wait for a new reply;
yy) jumping to step ddd) if reply from MTA_0 is not a **QUIT**;
zz) relaying the QUIT reply to MTA_1;
aaa) waiting for 221 reply from MTA_1;
bbb) relaying 221 reply from MTA_1 to MTA_0;
ccc) jumping to step a) to wait for a new connection;
ddd) sending a 500 reply to MTA_0 to signal a syntax error; and
eee) jumping to step a) to wait for a new connection,
wherein t_allow represents the results of the testing in step (f); t_no_filter represents the results of the testing in step (bb); t_prevent represents the results of the testing in step (g); t_open represents the results of the testing in step (e); t_DD represents the results of the testing in step (d); t_bad_from represents the results of the testing in step (v); t_suspect_domain represents the results of the testing in step (w); t_echo_domain represents the results of the testing in step (p); t_to_from represents the results of the testing in step (cc); and t_forged_domain represents the results of the testing in step (q).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Donaldson, Andrews, Levosky, Wilson and Postel* does not disclose, teach, or suggest the highlighted features and limitations. Specifically for step (o), the Examiner cites Fig. 14, step 1404 of *Donaldson*. However, the supporting text states “Starting at step 1404, the proxy 1401 gets the remote host's IP address and hostname from the Domain Name System (DNS)” (col 18, lines 5-7) which fails to disclose getting a domain name. Even assuming *arguendo*, the hostname is equated with

the domain name, the domain name would not be extracted from the reply (which in this case should be a HELO because if the reply were not a HELO the process would skip step (o) in accordance with the logic of step (n)). In fact if anything, the “domain name” disclosed in *Donaldson* is the real domain name DD_0. Since D_0 is neither extracted nor used by *Donaldson*, steps (p), (q) and (dd) are likewise not disclosed, taught or suggested. Furthermore, Applicant discusses step (p) further in claim 11. (see §VI.B)

Regarding step (r) and (x), as shown throughout the Figures in *Donaldson*, *Donaldson*’s active filter proxy acts on MTA_1’s behalf prior to the RCPT command (see discussion of claims 1 and 14 above, §VI.A & §VI.C). Therefore, *Donaldson* does not relay any of the commands from MTA_0 to MTA_1 until after the RCPT command where it may operate in pass-through (see col. 35, lines 20-23).

Regarding step (w), Applicant discusses this above with regard to claim 7. (see §VI.B)

Regarding step (bb), Applicant discusses this above with regard to claim 9. (see §VI.B)

As *Donaldson* fails to disclose, teach or suggest numerous steps or limitation of independent claim 15, Applicant submits independent claim 15 is allowable over the art of record and respectfully requests the Examiner withdraw his rejection.

VIII. Additional Claims

Applicant has added claims 16-20 which depend on independent claim 14 which is allowable for the reasons disclosed in §VI.C. Allowance of the additional claims is respectfully requested.

IX. Other Pertinent Prior Art

Applicant acknowledges that the Examiner has made *Donaldson* (US 6,321,267) and *Bautista* of record.

X. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-15 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at (858) 382-7513.

Currently, there are 20 total claims and 3 independent claims pending; therefore, no fee for excess claims is believed due. Should any fee be due please contact the undersigned as quickly as possible

Applicant believes the filing of this Response is within four months of the mailing date of the Office Action and a fee for a one month extension of time is believed due. Accordingly, an extension fee is submitted herewith electronically accompanying this transmission. In the event, the fees paid are deficient, please contact Applicant immediately.

Respectfully submitted,

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